

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION

Plaintiff,

v.

PIYUSH G. PATEL, DAVID J. KIRKPATRICK,
ERIC JAEGER, LAWRENCE COLLINS,
MICHAEL A. SKUBISZ, JERRY A.
SHANAHAN,

Defendants.

Case No. 01:07-00039-SM

DEFENDANT ERIC JAEGER'S PRELIMINARY EXHIBIT LIST

NOW COMES Defendant Eric Jaeger, by his undersigned counsel, and respectfully submits the following list of potential exhibits with respect to the above-captioned matter.

1. 2001-01-30 Email from M. Joosten to E. Fiallo et al.; cc: D. Kirkpatrick et al. and attachment. (EG 003079-81).
2. 2001-02-14 Email from L. Collings to T. Swamy, et al.; cc R. Stanton, et al. regarding Y/E audit issues and attachments. (RDS00133095.00153-154).
3. 2001-02-27 Email from T. Mullin to L. Collins et al regarding Investment Deals. (RDS00133095.00155).
4. 2001-02-22 Email from T. Hurley to J. Caldwell et al regarding Choice Way, Gentak, DynaNet. (RDS00133095.00156).
5. 2001-03-19 Emails from T. Mullin to T. Hurley regarding Investment option questions and attachment. (RDS00133095.00158-161).
6. 2001-03-20 Email from L. Collins to G. Spence et al.; cc: B. Kay et al. regarding Investment Justifications and attachments. (RDS00133095.00103).

7. 2001-03-21 Email from D. Kirkpatrick to J. Huffard regarding Memorandum of Understanding and attachment. (EJ 00927-29).
8. 2001-04-02 Email from D. Harding to J. Huffard et al. regarding Everest Draft Letter.
9. 2001-04-10 Email from L. Collins to H. Boey; cc: G. Workman regarding Revenue recognition of investment deals. (RDS00133095.00101).
10. 2001-04-12 Email from J. Huffard to W. Fenderson regarding Aprisma. (000136).
11. 2001-04-13 Bridge Loan Agreement. (KPMG 119053-68).
12. 2001-04-16 Convertible Subordinated Promissory Note. (KPMG 80771-74).
13. 2001-04-18 Email from B. Kay to T. Hurley et al.; cc: J. Huffard et al. regarding Investment matrix. (RDS00133095.00085).
14. 2001-04-30 Email from T. Hurley to B. Kay et al. regarding R&D investments and attachments. (RDS00133095.00221-25).
15. 2001-05-23 Email from R. Gula to J. Huffard; cc: D. Fanouriakis et al. regarding IPolicy. (EJ 01002).
16. 2001-06-01 Letter from E. Jaeger to V. Vaidya. (ETS 250361).
17. 2001-06-01 Centricity Software Executive Summary. (KPMG 0011780-82).
18. 2001-06-01 Aprisma Purchase Order. (ETS 250371).
19. 2001-06-02 Aprisma Purchase Order. (ETS 250370).
20. 2001-06-02 Q1 FY 02 Enterasys Investee revenue transactions – Quarter ended June 2, 2001. (KPMG 320538-43).
21. 2001-06-03 Cabletron Systems, Inc. Impairment Analysis on RD Investments. (KPMG 011759-66).

22. 2001-06-04 Email from L. Lentz to S. Jimenez et al. regarding Overview of investment deals. (000120).
23. 2001-06-04 Email from T. Hurley to J. Huffard et al. regarding Q1 investment deals. (RDS00133095.00192).
24. 2001-06-05 Note Purchase Agreement. (ETS 250329-36).
25. 2001-06-07 Email from T. Loureiro to T. Hurley et al. regarding Q1 Revenue and Investment Deals. (EG 003090).
26. 2001-06-08 NRE Agreement. (ETS 250344-48).
27. 2001-06-12 Email from J. Caldwell to G. Spence et al. regarding Investment 6-12-01 and attachments. (RDS00133095.0058-00062).
28. 2001-06-18 Email from KPMG to T. Hurley et al.; cc: dbwilson@kpmg.com regarding Q1 open items and attachment. (EG 003095-98).
29. 2001-06-20 Email from T. Eggemeier to J. Caldwell et al; cc: G. Workman regarding Due Diligence Checklist. (RDS00133095.00162).
30. 2001-06-25 Email from J. Huffard to R. Gula regarding Ipolicy Review and attachment. (EJ 00993-1000).
31. 2001-07-17 Email from R. Gula to J. Huffard regarding iPolicy and attachment. (EJ 00991-92).
32. 2001-07-17 KPMG letter to Audit Committee Cabletron Systems Inc. (EG 003108-18).
33. 2001-07-20 Outlook Calendar appointment regarding Investment meeting. (EG 003121-22).
34. 2001-07-23 Email from J. Huffard to E. Jaeger cc: T. Loureiro regarding Signature – Centricity.
35. 2001-07-24 Outlook Calendar appointment regarding Investment meeting. (EG 003123-24).

36. 2001-07-31 Outlook Calendar appointment regarding Investments. (EG 003125-26).
37. 2001-08-08 Email from E. Fiallo to R. Gagalis; cc: G. Haines et al. regarding Sandeul. (EG 003131-32).
38. 2001-08-09 Email from J. Huffard to B. Kay et al.; cc: D. Patterson et al regarding Memo From David Kirkpatrick and attachments. (EG 003139-48).
39. 2001-08-29 Outlook calendar reminder regarding Conference call re: Review mechanics of investment transactions. (EG 003192-93).
40. 2001-08-31 Emails from E. Jaeger to M. Murphy regarding Aprisma Quote.
41. 2001-08-31 Everest Broadband Networks Purchase Order. (ETS 240472).
42. 2001-08-31 Enterasys Networks Purchase Order. (ETS 240474).
43. 2001-09-01 KPMG SAB 101 Revenue Test-Work. (KPMG 321123-131).
44. 2001-09-01 Email from B. Kay to T. Hurley regarding Investment Team. (EG 003199-200).
45. 2001-09-01 KPMG Significant Issues and Decisions. (KPMG184076-113).
46. 2001-09-01 Enterasys Networks, Inc. Minority Investments. (EG001785-90).
47. 2001-09-04 Enterasys Networks Check Request. (ETS 240475).
48. 2001-09-04 Email from R. Gagalis to G. Spence et al.; cc: J. Shanahan et al. regarding Investment Team. (EG 003201-02).
49. 2001-09-04 Email from T. Hurley to R. Gagalis et al.; cc: B. Kay regarding Revenue testwork and attachment. (EG 003205-12).
50. 2001-09-04 Email from T. Hurley to G. Spence et al. regarding KPMG_RnD_Q2 FY02.xls and attachment. (EG 003217-23).

51. 2001-09-04 Email from L. Collins to KPMG; cc: T. Hurley et al and attachment. (EG 003240-46).
52. 2001-09-04 Email from L. Collins to KPMG. (EG 003247).
53. 2001-09-08 Email from L. Collins to D. Patteson et al.; cc: T. Hurley et al. regarding Q2 Investment. (EG 003251-58).
54. 2001-09-11 Email from J. Caldwell to D. Patteson et al. regarding Investee transactions and attachment. (EG 003280, 83, 88).
55. 2001-09-12 Outlook calendar reminder regarding Investments. (EG 003301-02).
56. 2001-09-12 Email from B. Barber to D. Patteson regarding Investee transactions and attachment. (ETS-66928-35; RDS00133095.00163-70).
57. 2001-09-12 Email from E. Marks to T. Hurley regarding Internation Investment Open Items. (RDS00133095.00171-75).
58. 2001-09-13 Outlook calendar reminder regarding Q2 update. (EG 003303-04).
59. 2001-09-13 Email from KPMG to T. Hurley et al.; cc: J. Boyer regarding invementsopenlist.doc and attachment. (KPMG074784-95).
60. 2001-09-13 Email from D. Wilson to E. Turner and attachment. (KPMG 143318-19).
61. 2001-09-19 Email from D. Wilson to T. Hurley; cc: J. Boyer et al. regarding Revenue issues and attachment. (ETS 66975-83; EG 003336-44).
62. 2001-09-20 Email from D. Wilson to T. Hurley et al. regarding Investee deal information and attachments. (EG 003349-55).
63. 2001-09-20 KPMG Memoranda to File from K. Gustafsson regarding Investment Impairment. (KPMG131858-67).
64. 2001-09-21 Enterasys Networks, Inc. – Q2 Issues September 2001. (EG 003357-59).

65. 2001-09-21 Email from L Collins to T. Shawyer; cc: T. Hurley re Investment revenue Q2 FY02.xls and attachment. (KPMG074816-17).
66. 2001-09-22 Email from D. Wilson to T. Hurley et al. regarding revenue adjustments and attachments. (EG 003363-65).
67. 2001-09-23 Email from L. Collins to KPMG. (EG 003368-69).
68. 2001-10-15 Enterasys Networks, Inc. Investment Revenue. (KPMG215172).
69. 2001-10-19 Email from J. Eno to alibrot@kpmg.com; cc: M. Keefer regarding FS support and attachments. (KPMG190531-59).
70. 2001-11-29 Email from T. Hurley to J. Huffard et al. regarding Q4 one page summaries and attachment. (RDS00090394.00001-57).
71. 2001-12-29 Enterasys Networks, Inc. Investments (Non-Marketable) Testwork. (KPMG329969).
72. 2001-12-29 KPMG Appendix A Corporate Structure and Related Parties. (KPMG726907-26).
73. 2001-12-29 KPMG A/R Aging and Allowance for Bad Debt Analysis. (KPMG911989-97).
74. 2002-05-01 KPMG Significant Issues and Decisions Document. (KPMGDF018073-76).
75. 2002-05-03 Email from M. Murphy to P. Beaulieu regarding Integration Analysis of Spectrum from Aprisma and ipEnforcer USM from iPolicy Networks. (ETS 250365-68).

In addition to these potential exhibits, Mr. Jaeger reserves the right to supplement this list in response to any other party's pretrial statements/disclosures, or to rebut evidence adduced, and arguments made, during Plaintiff's case-in-chief.

January 20, 2012

Respectfully submitted,

ERIC JAEGER,
By his attorneys,

/s/ Jonathan A. Shapiro

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CERTIFICATE OF SERVICE

I, Elizabeth H. Skey, hereby certify that Defendant Eric Jaeger's Exhibit List, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on January 20, 2012.

/s/ Elizabeth H. Skey

Elizabeth H. Skey

Dated: January 20, 2012